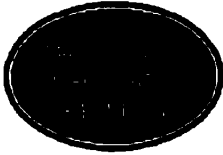


The Law Firm Of



A Professional Corporation

Edwin H. Smith

esmith@ethlaw.com

(816) 364-2117

Direct Fax (888) 729-4828

Fax (816) 279-3977

October 10, 2008

VIA CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

Mr. Jeff S. Jordan
Supervisory Attorney
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2008 OCT 10 P 5:01

In re: Complaint No. MUR 6072

Dear Mr. Jordan:

I represent the Saint Joseph Area Chamber of Commerce. My client has provided me with a copy of your letter of September 22, 2008, and the complaint referenced above. In response to such complaint, please find the enclosed response of Ted Allison and the Chamber. I have also enclosed a completed Statement of Designation of Counsel.

Thank you for your attention to this matter. Please let me know if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Edwin H. Smith".

Edwin H. Smith

EHS:tb

Enclosures

29044241060



St. Joseph Area Chamber of Commerce

October 10, 2008

**VIA CERTIFIED MAIL,
RETURN RECEIPT REQUESTED**

Mr. Jeff S. Jordan
Supervisory Attorney
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

In re: Complaint No. MUR 6072

Dear Mr. Jordan:

I am in receipt of your letter of September 22, 2008, and the attached copy of the above captioned complaint concerning a candidates' forum that is to be sponsored by The Saint Joseph Area Chamber of Commerce between the Democratic and Republican candidates for the Sixth Congressional District of Missouri. In response to that complaint, the Chamber, in sponsoring the forum, has and will not violate any regulations of the Federal Election Campaign Act of 1971; and, therefore, no action should be taken against the Chamber in response to the complaint.


As you are undoubtedly aware, the violations alleged against the Chamber in the complaint can only be committed by "staging organizations", which are defined in 11 CFR 110.13(a) as: "Nonprofit organizations described in 26 U.S.C. 501 (c)(3) or (c)(4) and which do not endorse, support, or oppose political candidates or political parties...." The Chamber is not such an organization. Rather, it is a business league as described in 26 U.S.C. 501 (c)(6). Hence, the Chamber is not subject to the rules which the complaint alleges it violated such that the complaint is without merit.

Even if the Chamber was subject to 11 CFR 110.13, it is still not guilty of the violations alleged in the complaint. The candidate forum in question will include two candidates, Mayor Kay Barnes, the Democratic candidate, and Congressman Sam Graves, the Republican candidate, and is clearly not structured to promote or advance one candidate over another. Contrary to the complaint, the Chamber's decision to limit participation to the two primary candidates in the congressional race was based on pre-established objective criteria. Moreover, such criteria are not solely based on the fact that the two candidates have been nominated by the Democratic and Republican parties. Rather, the criteria adhered to by the Chamber focus on whether or not there is legitimate public interest in hearing from any or all of the potential candidates in the limited time allotted for the event. Due to the time constraint of less than one hour, the Chamber determined that only those candidates with significant public support should be invited to participate.

In the event that there were more than two candidates with sufficient public interest, the Chamber would undoubtedly invite all such candidates to participate, regardless of political affiliation. Unfortunately, complainant's candidacy does not have the requisite level of public interest or support to meet the reasonable criteria established by the Chamber. As demonstrated in the most recent public poll conducted by SurveyUSA, a copy of which is enclosed herein, the complainant is only receiving a maximum of six percent (6%) of the vote in the 6th Congressional District. And, this number is most likely lower than 6% because it represents all candidates "other" than Mayor Barnes and Congressman Graves and not just the complainant. As such, the Chamber has determined that the objective factors of public interest and support do not weigh in favor of inviting the complainant to participate in the forum.

For the foregoing reasons, the Chamber asks that the complaint be dismissed and that no further action be taken against the Chamber. Thank you for your attention to this matter. Should have any questions, please feel free to contact me at any time.

Very truly yours,



Ted Allison

29044241062

Democrat Challenger Barnes Crops-Up on Incumbent Republican Graves in MO6: In an election for United States House of Representatives from Missouri's 6th Congressional District today, 08/01/08, incumbent Republican Sam Graves edges Democrat Kay Barnes 48% to 44%, according to this SurveyUSA poll conducted exclusively for KCTV-TV Kansas City. Compared to an identical SurveyUSA poll released 10 weeks ago, Graves is up. Among men, Graves had led by 19, now leads by 23. Among women, the two had been tied; today, Barnes leads by 17 points -- a 40-point gender gap. Barnes continues to lead among all age groups, but by smaller margins in most: among voters age 35 to 49, Graves had led by 11, now leads by 1. Among those age 50 to 64, Graves had led by 9, now leads by 4. Among those 65+, Graves had led by 8, now leads by 2. Ten weeks ago, 19% of Democrats crossed over to vote for Republican Graves. Today, that number has fallen to 12%. The number of Republicans crossing over to vote for Democrat Barnes is effectively unchanged, from 7% then to 8% now. Independents had favored Graves by 15, now favor him by 20.

Filtering: SurveyUSA interviewed 900 adults from Missouri's 6th Congressional District 07/30/08 through 07/31/08. Of them, 815 identified themselves as being registered to vote; of them, 567 were determined by SurveyUSA to be likely to vote in the 11/04/08 general election.

1		If the election for U.S. House of Representatives, were today, would you vote for ... (names rotated) Republican Sam Graves? Democrat Kay Barnes? Or some other candidate?																			
567 Likely Voters	Gender	Age				Ethnicity				Party Affiliation				Marriage				Household Income			
		18-24	25-34	35-44	45-54	White	Black	Hispanic	Other	Rep	Dem	Ind	Cons	Mar	Div	Wid	Mar	Less than \$10k	\$10k-\$20k	\$20k-\$30k	\$30k+
Marginal Error: ±1.2%		11	25	30	28	18	30	14	38	48	48	32	12	11	11	11	33	24	24	24	24
Sam Graves (R)		51	48	48	49	47	49	49	49	50	48	48	48	48	48	48	48	48	48	48	48
Kay Barnes (D)		37	47	44	44	43	43	43	43	43	43	43	43	43	43	43	43	43	43	43	43
Other		9	4	3	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
Undecided		2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Total		100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Comparison of Likely Voter		54	46	17	32	27	24	40	51	85	29	29	19	35	38	12	21	29	24	48	29

<http://www.surveyusa.com/client/PollReport.aspx?g=67f667c9-27da-4620-bc29-084aa2e7f422>

29044241063



FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Client
FAX (202) 219-3923

MUR# 6072

NAME OF COUNSEL: Edwin H. Smith

FIRM: Shughart Thomson & Kilroy, P.C.

ADDRESS: 3101 Frederick Avenue

Saint Joseph, MO 64506

TELEPHONE- OFFICE (816) 364-2117

FAX (816) 279-3977

The above-named individual and/or firm is hereby designated as my
counsel and is authorized to receive any notifications and other communications
from the Commission and to act on my behalf before the Commission.

10/10/08 [Signature] Pres. and CEO
Date Respondent/Client Signature Title

RESPONDENT/CLIENT Ted Allison
(Please Print)

MAILING
ADDRESS: 3003 Frederick Avenue

Saint Joseph, MO 64506

TELEPHONE- HOME _____

BUSINESS (816) 364-4109

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.